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Spectrum Center, Inc.

1 UNITED STATES DISTRICT COURT  
2 NORTHERN DISTRICT OF CALIFORNIA  
3

4 J.T., a minor, by his Parent and Guardian ad  
5 Litem N.M.,

6 Plaintiffs,

7 v.

8 ANTIOCH UNIFIED SCHOOL DISTRICT, et  
9 al.,

10 Defendants.

Case No.: 3:18-cv-02992 LB

**STIPULATION AND ~~PROPOSED~~ ORDER  
FOR DISMISSAL OF CASE WITH  
PREJUDICE**

11 ANTIOCH UNIFIED SCHOOL DISTRICT,

12 Third-Party Plaintiff,

13 v.

14 SPECTRUM CENTER, INC.,  
15 PHILADELPHIA INDEMNITY  
16 INSURANCE COMPANY, AND ROES  
17 1 through 50

18 Third-Party Defendants.  
19  
20

21 **WHEREAS**, Plaintiff J.T. by and through his Parent and guardian ad litem N.M. (“J.T.”) filed a  
22 complaint against Defendant Antioch Unified School District (“District”) seeking the reversal of an  
23 administrative special education due process decision pursuant to 20 U.S.C. §1415(i)(3) and brought  
24 causes of action for denial of a Free and Appropriate Public Education, violation of the Equal Protection  
25 Clause of the Fourteenth Amendment, violation of Title VI of the Civil Rights Act of 1964, violation of  
26 the Educational Opportunities Act of 1974, violation of the Americans with Disabilities Act, violation of  
27 42 U.S.C. §1983, and Section 504 of the Rehabilitation Act.  
28

WHEREAS, District filed a Third-Party Complaint against Spectrum Center, Inc. ("Spectrum"), and Philadelphia Indemnity Insurance Company ("Philadelphia") asserting causes of action for indemnity, express contractual indemnity, express indemnity, contribution, general declaratory relief, declaratory relief on duty to defend, declaratory relief on duty to indemnify, breach of contract re: insurance provision, breach of contract of duty to defend, breach of contract of duty to indemnify, breach of insurance contract, and breach of the covenant of good faith and fair dealing.

**WHEREAS**, all of the Parties to this Action have entered into a written settlement agreement and mutual release, by which the parties agree to a mutual release and waiver of all claims (whether based in tort, contract, or another theory of recovery) arising from the facts alleged in the Complaint or in the Third Party Complaint, including, but not limited to, an action seeking the reversal of the administrative special education due decision.

WHEREAS, in the written settlement agreement referenced above, District, Spectrum, and Philadelphia release all claims and causes of action against each other arising out of the present matter, including but not limited to all claims for equitable and contractual indemnity.

**WHEREAS**, the settlement agreement resolves the matter in its entirety.

**WHEREAS**, all conditions of the settlement agreement have been performed and met.

**THEREFORE**, all of the Parties to this Action, by and through their respective counsel of record, pursuant to Federal Rules of Civil Procedure 41(a)(1), respectfully request that the Court issue an Order dismissing this Action with prejudice in its entirety. Each Party shall bear its own attorneys' fees and costs. This stipulation and dismissal completely terminates the above-entitled Action against all Parties.

**IT IS SO STIPULATED.**

Dated: December 9, 2019

**LEONE & ALBERTS**

**/s/ Ioana R. Burson**

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IOANA R. BURSON

Attorneys for Defendant

ANTIOCH UNIFIED SCHOOL DISTRICT

Dated: December 9, 2019

**LAW OFFICE OF NICOLE HODGE AMEY**

**/s/ Nicole Hodge Amey**

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NICOLE HODGE AMEY  
Attorneys for Plaintiff  
J.T. a minor, by Parent and Guardian ad  
Litem N.M.

Dated: December 9, 2019

**NIELSEN KATIBAH LLP**

**/s/ James Nielsen**

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JAMES NIELSEN  
Attorneys for Third Party Defendant  
PHILADELPHIA INDEMNITY INSURANCE  
COMPANY

Dated: December 9, 2019

**SEVERSON & WERSON**

**/s/ Elizabeth A. Trittipo**

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ELIZABETH A. TRITTIPO  
Attorneys for Third Party Defendant  
SPECTRUM CENTER INC.

I, NICOLE HODGE AMEY, am the ECF User whose ID and password are being used to file this JOINT STIPULATION AND PROPOSED ORDER FOR DISMISSAL OF CASE WITH PREJUDICE. In compliance with Local Rule 5-1(i)(3), I hereby attest that attorneys Ioana R. Burson, James Nielsen and Elizabeth Trittipo have concurred in this filing.

**ORDER**

Based on the stipulation of the parties, and good cause appearing therefor,

**IT IS ORDERED** that this Action be, and hereby is, DISMISSED WITH PREJUDICE.

Each party shall bear its own costs and attorneys' fees.

DATED: December 26, 2019



HON. LAUREL BEELER

Magistrate Judge of the U.S. District Court Northern District of California

**CERTIFICATE OF SERVICE**

On this day I electronically filed the following document(s) with the Clerk of the Court using the CM/ECF system:

**STIPULATION AND PROPOSED ORDER FOR DISMISSAL OF CASE WITH PREJUDICE** which will send notification of such filing to all parties of interest participating in the CM/ECF system and the party listed below is currently on the list to receive e-mail for this case:

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Dated: December 9, 2019

/s/ Nicole Hodge Amey  
Nicole Hodge Amey